



Breaking Down Barriers to Using Brownfields

October 1998, Issue 1

## Welcome to the first issue of *Brownfields Bulletin!*

**T**he Indiana Department of Environmental Management's newest quarterly newsletter includes reports on the trends of brownfields uses, legislative updates and progress about the exciting brownfields initiative, not only in Indiana, but across the country. Special editions of the newsletter may be published to keep you abreast of important legislative issues and the state loan and grant programs.

How does IDEM define a brownfields site? It's an abandoned, inactive, under used, tax delinquent, industrial or commercial property on which expansion or redevelopment is complicated due to actual or perceived environmental contamination.

IDEM encourages Indiana communities to use brownfields properties. They can be as large as an urban manufacturing facility and as small as a rural abandoned gas station. Redeveloping them not only cleans up and improves our air, land and water, but it yields economic benefits by returning property to the tax rolls and creating jobs. At the same time, using brownfields reduces urban

sprawl, preserving farmland and undeveloped green fields.

In 1995, IDEM began establishing the state brownfields program in support of the U.S. Environmental Protection Agency's national brownfields initiative. With a \$150,000 federal grant, IDEM's Office of Environmental Response conducts brownfields environmental assessments at no charge to local Indiana government.

We have assisted 17 counties with 26 sites, and encourage more communities to take advantage of this program. Our goal is to identify and mitigate environmental issues that impede the economic growth of Indiana communities, resulting in improved environmental and economic health for Indiana's citizens.

The brownfields team consists of staff from IDEM's site investigation and leaking underground storage tank sections as well as a community relations specialist and an administrative assistant. The team has legal support from IDEM's Office of Legal Counsel. The brownfields program is divided into three key areas: technical assistance, financial assistance, and education

and outreach activities.

Additionally, with our nationally recognized Voluntary Remediation Program, established in 1993, Indiana has a great tool for addressing many environmental liability issues. Property owners that successfully go through this

*Continued on Page 2*



*The Brownfields Team at Indiana Department of Environmental Management (clockwise from top left): Patty McArtor, Michele Oertel, Tom Baker, Dana Reed Wise, Kyle Hendrix and Susan Gross. Contact information on back page.*

# Environmental Assessments

To address environmental unknowns that often accompany property transactions, IDEM provides environmental assessments as a tool to help Indiana communities with their brownfields redevelopment efforts. These assessments are conducted at no cost to eligible applicants. To date, 26 communities have requested this service, while about 50 have requested application information. IDEM staff have completed 16 of the requested brownfields environmental assessments; the remaining 10 are at various stages of work.

Proposed properties must meet certain criteria, which are outlined in the assessment application package available on IDEM's World Wide Web site at [www.state.in.us/idem/oer/brownfields/index.html](http://www.state.in.us/idem/oer/brownfields/index.html). The information also can be ordered by contacting Michele Oertel.

---

---

## Welcome

*Continued from page 1*

program receive a Certificate of Completion from IDEM, and a Covenant Not to Sue from the Governor's Office. (See *The "L" Word*, page 3.) Our other brownfields action tools are "comfort" and "no further action" letters and an interagency Brownfields Task Force.

We want to hear from you and your suggestions on topics for future issues. Help us give you the information you need.

## Questions & Answers

**Q:** Is there a statewide inventory of brownfields properties?

**A:** No. It is impossible to accurately estimate the total number of brownfields properties in Indiana. You may have heard different numbers tossed about. However, any number would be purely arbitrary because brownfields are so diverse, many have yet to be identified and information from the local level may not be available. Not every city and town will have an inventory of its brownfields. And even if it did have such a listing, a community might be reluctant to share it with the state, fearing regulatory action.

IDEM can only estimate the number of brownfields based on what communities identify and share. Currently the only way the agency has for gathering that information is by those that apply for brownfields environmental assessments, grants and loans. IDEM does have a database of brownfields properties that have undergone or are undergoing environmental assessments, and it does have a database of **potentially** hazardous waste sites that may be "brownfields waiting to happen." The latter database is the federal Comprehensive Environmental Response, Compensation, and Liability Information System, better known to some as CERCLIS. It contains approximately 1,200 Indiana sites.

### Number of Brownfields Assessments Done (16)



### Number of Brownfields Assessments Underway (10)



**Q:** What is the role of a private consultant in the brownfields initiative?

**A:** Environmental consultants have various roles potentially available to them in the brownfields redevelopment process. The private sector has expressed some concern that the state is "stealing" potential clients with its "free" environmental assessments. However, assessment work is only one aspect of the redevelopment process; the potential exists for much more work. For example, opportunities exist through the Indiana Development Finance Authority's brownfields grant and loan program, where applicants select their own consultants to do the required work, whether it is assessments or remediation. In contrast to the government, consultants bring value to brownfields redevelopment by their expedited time frames and broad scopes of work. In short, the role of private consultant is not limited to phase I and phase II work. The role may include arbitrator, advocate, insurer of risk, financial advisor and scientist to assess liability.

## In Brief

### **Learn about brownfields on the Web!**

Brownfields redevelopment is high on IDEM's list of priorities. Therefore, a special Web site has been designed to reach out and encourage the cleanup and redevelopment of Indiana's brownfields properties. Check it out at [www.state.in.us/idem/oe/brownfields/index.html](http://www.state.in.us/idem/oe/brownfields/index.html).

IDEM's Brownfields Program Web site links to the Regional Online Brownfields Information Network. ROBIN was created to facilitate information exchange on brownfields issues among the Great Lakes states and provinces, U.S. Environmental Protection Agency's Region 5 and the public. The link with ROBIN helps market Indiana as well as other brownfields redevelopment resources in a regional context. For more information contact Michele Oertel.

### **Resource Guide available soon**

A state and federal brownfields interagency task force has worked in conjunction with the Indiana Development Finance Authority and Departments of Environmental Management and Commerce as well as other agencies to develop Indiana's first Brownfields Redevelopment Resource Guide. This resource guide is a comprehensive gathering of contacts and references to aid brownfields redevelopers. It is intended for use by local government officials, economic development directors and real estate developers.

The guide outlines the brownfields redevelopment process from developing a local brownfields inventory to completion of a brownfields

project. Fact sheets on all available state and federal grants and loans to finance brownfields redevelopment projects will be included.

The guide should be available before the end of the year. To get on the mailing list, contact Kyle Hendrix.

### **Community assistance**

When communities call for help, IDEM listens. IDEM also reaches out to learn what communities need.

IDEM's outreach efforts include meetings, conference calls and site visits with local officials, businesses and organizations. Staff serve as liaisons between several Indiana communities and the agency. IDEM has assisted more than 50 cities and towns with their brownfields redevelopment efforts, including Medora, Muncie, Elkhart, Richmond, Anderson, Garrett, Mishawaka, Terre Haute and Ft. Wayne.

### **Funding available**

Through 1997 legislation, the Environmental Remediation Revolving Loan Fund dedicates \$10 million over three years to help political subdivisions redevelop brownfields statewide, thus removing a cost barrier for identification, assessment, remediation, demolition and other brownfield use requirements.

Forty percent of the money is slated for communities with populations greater than 35,000. Sixty percent will go to smaller communities. Both grants and low-interest loans are available.

Communities can apply for this financial assistance through the Indiana Development Finance Authority. Applications are available from IDFA or the Indiana Department of Environmental

Management.

Grant applications are accepted at specific times only. IDFA accepts loan applications the third Friday of each month. Contact Courtney Tobin at IDFA or Dana Reed Wise at IDEM for information regarding the next grant round.

---

---

## Issues

### **The "L" Word**

Environmental liability has some individuals so concerned they can barely say the word.

IDEM has attempted to provide some level of comfort to parties involved with brownfields property transactions. In addition to a Covenant Not to Sue that is issued through IDEM's Voluntary Remediation Program, IDEM offers a Comfort Letter for those properties that would not be entered into the VRP due to cost or low contaminant levels. Though not a legal document, the letter provides a legal opinion as to whether or not the environmental conditions at a property would be a barrier for parties interested in redevelopment. The letter states that IDEM would not hold liable any parties involved in the brownfields redevelopment project unless they contributed to or exacerbated the contamination. IDEM issued its first Comfort Letter to the city of Indianapolis, and nine more to other entities since then.

A No Further Action Letter is similar to a Comfort Letter, but it is issued specifically for abandoned gas station properties. IDEM has issued two such letters to the City of Muncie and McFarland Foods in Indianapolis. IDEM staff are working to establish a non-rule policy document identifying the criteria for issuing these letters.



**Brownfields Bulletin** is published quarterly by the Indiana Department of Environmental Management to inform local government officials, local business representatives and local interest groups about brownfields redevelopment initiatives and success stories from within and beyond the state. A brownfields site is an industrial or commercial property that is abandoned, inactive or underutilized due to actual or perceived environmental contamination.

IDEM's overall mission is to make Indiana a cleaner, healthier place to live. IDEM's brownfields initiative helps communities remove barriers for sustainable growth.

Comments and ideas are welcome; e-mail IDEM's Brownfields Program Coordinator Dana Reed Wise.

IDEM Brownfields Team	
	E-mail address/Phone number
<b>Dana Reed Wise</b> <i>Program Coordinator</i>	dreedwis@dem.state.in.us (317) 308-3058
<b>Patty McArtor</b> <i>Administrative Assistant</i>	pmcartor@dem.state.in.us (317) 308-3131
<b>Susan Gross</b> <i>Information Specialist</i>	sgross@dem.state.in.us (317) 308-3112
<b>Michele Oertel</b> <i>Environmental Manager</i>	moertel@dem.state.in.us (317) 308-3057
<b>Kyle Hendrix</b> <i>Environmental Manager</i>	khendrix@dem.state.in.us (317) 308-3098
<b>Tom Baker</b> <i>Attorney</i>	twbaker@dem.state.in.us (317) 233-1207

(800) 451-6027, press 0 and ask for a person by name or number. Or, dial direct.

### Who Can Help

#### Technical and planning assistance

##### Indiana Department of Environmental Management

*Brownfields Team* (listed right)

P.O. Box 6015

Indianapolis, IN 46206-6015

[www.state.in.us/idem/oer/brownfields/index.html](http://www.state.in.us/idem/oer/brownfields/index.html)

#### Financial assistance

##### Indiana Development Finance Authority

Courtney Tobin, General Counsel

One N. Capitol, Suite 320

Indianapolis, IN 46204

(317) 233-4332

E-mail: [ctobin@idfa.state.in.us](mailto:ctobin@idfa.state.in.us)

Printed with soy ink on recycled paper, 100% post-consumer content.

